IN THE HIGH COURT OF JUDICATURE AT BILASPUR, CHATTISGARH

WP NO. ---34----/ 2002.

PETITIONER : **B.P. PANDEY,**
S/O LATE SHRI C.L. PANDEY,
WORKING AS SENIOR ASSISTANT(FIRE),
AGED ABOUT 43 YEARS, R/O CIVIL LINES,
RAIPUR (C.G.)

VERSUS

RESPONDENTS

1. **THE EXECUTIVE DIRECTOR (P&A),**
THROUGH THE SECRETARY,
AIRPORTS AUTHORITY OF INDIA (NAD),
RAJIV GANDHI BHAWAN, SAFDARJANG
AIRPORT, NEW DELHI- 03

2. **THE GENERAL MANAGER (FS),**
A.A.I. (NAD),RAJIV GANDHI BHAWAN,
SAFDARJANG AIRPORT,
NEW DELHI-03.

3. **THE DEPUTY GENERAL MANAGER (FS),**
A.A.I.,(NAD), MUMBAI.

4. **THE SENIOR MANAGER (ATC), A.A.I.**
(NAD)RAIPUR AIRPORT,RAIPUR(C.G.).

5. **THE MANAGER (PERSONAL)**
FOR REGIONAL EXECUTIVE DIRECTOR,
A.A.I., (NAD) MUMBAI.

P.R. No. ..... Presented by Shri ..... dated .....

PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA.

The petitioner submits as under :-

1. **PARTICULARS OF THE PETITIONER :**
As stated above.

2. **PARTICULARS OF THE RESPONDENTS :**
As stated above.

XI-HC-22

(33)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. NO. 34/2003 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

24/01/2003

Shri R.M. Solapurkar, counsel for the petitioner.

Heard.

The challenge in this writ petition is to the order dated 22/11/2002 (Annexure P/1) whereby the petitioner who was an employee of the Airports Authority of India posted at Raipur, has been transferred to Aurangabad.

To begin with, it may be stated that transfer is an incidence of service and person who holds a transferable post cannot object to his transfer as it is within the jurisdiction of the employer to determine as to where a particular employee should or should not be posted. However, there may be some cases of transfer which may be examined by the Court and these would normally be the cases where an employee has been subjected to frequent transfers or the transfer is by way of harassment or to accommodate a particular person by bringing him back to the place from where that person was transferred and sending out the incumbent who had joined that particular place of transfer of the previous incumbent. Interference may be justified in cases of mala fide or infraction of any proposed norms or

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 34/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

principles. Where career prospects remain unaffected and no detriment is caused, challenge to an order of transfer ought not to be entertained. Thus the challenge to an order of transfer, in the opinion of the Court, is to be considered in the above background.

According to the petitioner, the order is liable to quashed and it violates the transfer policy and obviously it has been passed in contravention of the transfer policy. It is also stated that the petitioner's son is to appear Xth Board Examination which is to be held in March, 2003. It is also stated that his transfer at this point of time will adversely affect his son's studies as an academic session is coming to an end and the Xth Board Examination is to commence shortly. It is stated on behalf of the counsel for the petitioner that considering these facts the matter was brought to the notice of the Authority to which he has made a request for exempting him from transfer during the session 2002-2003 and as the same has not been considered and the impugned order of transfer has been passed, he has approached this Court for relief.

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XI-HC-22

(357)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 534/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	In view of the above, the Court is of the opinion that all the grievances which the petitioner has made in this writ petition could have been made before the Authority by way of a proper/appropriate representation. Since this has not been done, the Court thinks it appropriate to dispose of this writ petition with a direction that in case a representation is made by the petitioner to the concerned Authority within ten days from today, the same shall be considered and disposed of on its own merits on which the Court is not expressing any opinion. However, it is hoped that in case the Authority does not accept the petitioner's representation then at least it would consider deferring the transfer of the petitioner till the end of the academic session so that the studies of the petitioner's son who is to appear in Xth Board Examination, are not affected. With the above observations and directions this writ petition stands disposed of. Consequently, M.W.P.No.53/2003 and I.A.No.213/2002 also stand disposed of. **Sd/-** **P. C. Naik** **Judge**	

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